

SENATE BILL No. 363

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-12-4-10; IC 5-2; IC 5-14-3-8; IC 10-5-7-1; IC 33-19-6-1; IC 36-2-7-10; IC 36-4-3.

Synopsis: Copy fees for local units of government. Specifies that the fiscal body of a county, city, town, or township establishes the fee schedule for an elected office of the county, city, town, or township for certifying, copying, or facsimile transmission of a document and eliminates statutory fees for certifying, copying, or facsimile transmission of a document. Requires the county recorder to charge a supplemental fee of \$3 for recording a document. (Current law provides that the county legislative body may authorize a supplemental fee for recording a document not to exceed \$3).

Effective: July 1, 1999.

Merritt

January 8, 1999, read first time and referred to Committee on Governmental and Regulatory Affairs.



First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

SENATE BILL No. 363

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 3-12-4-10 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. (a) The statement
3 prepared under section 9 of this chapter must contain:

- 4 (1) the name of each candidate;
5 (2) the elected offices;
6 (3) the total number of votes received by each candidate;
7 (4) the total number of votes received by each candidate and cast
8 for and against each public question in each precinct; and
9 (5) the total number of votes cast at the election.

10 (b) Notwithstanding IC 33-19-6-1, upon request by a candidate, the
11 circuit court clerk shall prepare a copy of the statement for the
12 candidate at a fee ~~not to exceed twenty-five cents (\$0.25) per page.~~
13 **established under IC 5-14-3-8.**

14 SECTION 2. IC 5-2-5-8 IS AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 1999]: Sec. 8. (a) Unless otherwise prohibited
16 by law, any criminal justice agency that maintains criminal history data
17 shall, upon request and proper identification of the person about whom



1 criminal history data is maintained, provide that person with a copy of
 2 **his the person's** criminal history data for a reasonable fee. **If the**
 3 **criminal justice agency is a local government agency, the fee shall**
 4 **be established under IC 5-14-3-8.**

5 (b) Any person may challenge the information contained in his
 6 criminal history data file.

7 SECTION 3. IC 5-2-5.1-13 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 13. (a) Except as
 9 otherwise provided, any criminal or juvenile justice agency that
 10 maintains juvenile history data shall, upon request and proper
 11 identification of the person about whom juvenile history data is
 12 maintained, provide that person, or the person's parent, guardian, or
 13 custodian if the person is less than eighteen (18) years of age, with a
 14 copy of the person's juvenile history data for a reasonable fee. **If the**
 15 **criminal or juvenile justice agency is a local government agency**
 16 **the fee shall be established under IC 5-14-3-8.**

17 (b) A person, or the person's parent, guardian, or custodian, if the
 18 person is less than eighteen (18) years of age, may challenge the
 19 accuracy of information about the person filed with the department as
 20 juvenile history data.

21 (c) The department may not release or allow inspection of juvenile
 22 history data to any person or agency that is not authorized under this
 23 chapter to receive it.

24 SECTION 4. IC 5-14-3-8 IS AMENDED TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 1999]: Sec. 8. (a) For the purposes of this
 26 section, "state agency" has the meaning set forth in IC 4-13-1-1.

27 (b) Except as provided in this section, a public agency may not
 28 charge any fee under this chapter:

29 (1) to inspect a public record; or

30 (2) to search for, examine, or review a record to determine
 31 whether the record may be disclosed.

32 (c) The Indiana department of administration shall establish a
 33 uniform copying fee for the copying of one (1) page of a standard-sized
 34 document by state agencies. The fee may not exceed the average cost
 35 of copying records by state agencies or ten cents (\$0.10) per page,
 36 whichever is greater. A state agency may not collect more than the
 37 uniform copying fee for providing a copy of a public record. However,
 38 a state agency shall establish and collect a reasonable fee for copying
 39 nonstandard-sized documents.

40 (d) This subsection applies to a public agency that is not a state
 41 agency. The fiscal body (as defined in IC 36-1-2-6) of the public
 42 agency or the governing body, if there is no fiscal body, shall establish

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a fee schedule for the certification, copying, or facsimile machine transmission of documents. **The fiscal body of a county, city, town, or township shall establish a fee schedule for a public agency that is an elected office (as defined in IC 3-10-1-19(b)(3) through IC 3-10-1-19(b)(7)) of the county, city, town, or township.** The fee may not exceed the actual cost of certifying, copying, or facsimile transmission of the document by the agency and the fee must be uniform throughout the public agency and uniform to all purchasers.

(e) If:

(1) a person is entitled to a copy of a public record under this chapter; and

(2) the public agency which is in possession of the record has reasonable access to a machine capable of reproducing the public record;

the public agency must provide at least one (1) copy of the public record to the person. However, if a public agency does not have reasonable access to a machine capable of reproducing the record or if the person cannot reproduce the record by use of enhanced access under section 3.5 of this chapter, the person is only entitled to inspect and manually transcribe the record. A public agency may require that the payment for copying costs be made in advance.

(f) Notwithstanding subsection (b), (c), (d), (g), (h), or (i), a public agency shall collect any certification, copying, facsimile machine transmission, or search fee that is specified by statute or is ordered by a court.

(g) Except as provided by subsection (h), for providing a duplicate of a computer tape, computer disc, microfilm, or similar or analogous record system containing information owned by the public agency or entrusted to it, a public agency may charge a fee, uniform to all purchasers, that does not exceed the sum of the following:

(1) The agency's direct cost of supplying the information in that form.

(2) The standard cost for selling the same information to the public in the form of a publication if the agency has published the information and made the publication available for sale.

(3) In the case of the legislative services agency, a reasonable percentage of the agency's direct cost of maintaining the system in which the information is stored. However, the amount charged by the legislative services agency under this subdivision may not exceed the sum of the amounts it may charge under subdivisions (1) and (2).

(h) This subsection applies to the fee charged by a public agency for

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providing enhanced access to a public record. A public agency may charge any reasonable fee agreed on in the contract under section 3.5 of this chapter for providing enhanced access to public records.

(i) This subsection applies to the fee charged by a public agency for permitting a governmental entity to inspect public records by means of an electronic device. A public agency may charge any reasonable fee for the inspection of public records under this subsection or the public agency may waive any fee for the inspection.

(j) Except as provided in subsection (k), a public agency may charge a fee, uniform to all purchasers, for providing an electronic map that is based upon a reasonable percentage of the agency's direct cost of maintaining, upgrading, and enhancing the electronic map and for the direct cost of supplying the electronic map in the form requested by the purchaser. If the public agency is within a political subdivision having a fiscal body, the fee is subject to the approval of the fiscal body of the political subdivision.

(k) The fee charged by a public agency under subsection (j) to cover costs for maintaining, upgrading, and enhancing an electronic map shall be waived by the public agency if the electronic map for which the fee is charged will be used for a noncommercial purpose, including the following:

- (1) Public agency program support.
- (2) Nonprofit activities.
- (3) Journalism.
- (4) Academic research.

SECTION 5. IC 10-5-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) The state or any political subdivision shall provide upon request, without charge or fee, one (1) certified copy of any document or record if it is shown that the certified copy is necessary to secure benefits to members of the military service, honorably discharged veterans, or their surviving spouses or dependents under any federal or state law.

(b) The state or a political subdivision may collect a charge per copy **of not more than the amount specified in IC 36-2-7-10(b) in the amount established under IC 5-14-3-8** if the person requests more than one (1) certified copy of the document or record. The funds received under this section shall be placed in the general fund of the state or county.

(c) For the purposes of this chapter, "honorably discharged veterans" includes persons placed on inactive duty under honorable conditions but not discharged from military service.

SECTION 6. IC 33-19-6-1 IS AMENDED TO READ AS



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1 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) This section
 2 applies to a document fee for preparing a transcript or copy of any
 3 record. ~~However, this section does not apply to:~~

4 (1) ~~the preparation or copying of a record:~~

5 (A) ~~through the use of enhanced access under IC 5-14-3; or~~

6 (B) ~~by a governmental entity using an electronic device; and~~

7 (2) ~~the transmitting of a document by facsimile machine or other~~
 8 ~~electronic device.~~

9 (b) ~~Except as provided in subsection (c), the clerk shall collect a fee~~
 10 ~~of one dollar (\$1) per legal size or letter size page, including a page~~
 11 ~~only partially covered with writing.~~

12 (c) ~~(b) The legislative fiscal body of a county may shall adopt by~~
 13 ~~ordinance a schedule of document fees to be collected by a clerk under~~
 14 ~~this section as set forth in IC 5-14-3-8. If an ordinance has been~~
 15 ~~adopted, the clerk shall collect document fees according to the~~
 16 ~~schedule. However, the document fee collected by the clerk under this~~
 17 ~~subsection may not exceed one dollar (\$1) per legal size or letter size~~
 18 ~~page, including a page only partially covered with writing.~~

19 SECTION 7. IC 36-2-7-10 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. (a) The county
 21 recorder shall tax and collect the fees prescribed by this section for
 22 recording, filing, copying, and other services the recorder renders, and
 23 shall pay them into the county treasury at the end of each calendar
 24 month. The fees prescribed and collected under this section supersede
 25 all other recording fees required by law to be charged for services
 26 rendered by the county recorder.

27 (b) The county recorder shall charge the following:

28 (1) Six dollars (\$6) for the first page and two dollars (\$2) for each
 29 additional page of any document the recorder records if the pages
 30 are not larger than eight and one-half (8 1/2) inches by fourteen
 31 (14) inches.

32 (2) Fifteen dollars (\$15) for the first page and five dollars (\$5) for
 33 each additional page of any document the recorder records, if the
 34 pages are larger than eight and one-half (8 1/2) inches by fourteen
 35 (14) inches.

36 (3) For attesting to the release, partial release, or assignment of
 37 any mortgage, judgment, lien, or oil and gas lease contained on a
 38 multiple transaction document, the fee for each transaction after
 39 the first is the amount provided in subdivision (1) plus the amount
 40 provided in subdivision (4) and one dollar (\$1) for marginal
 41 mortgage assignments or marginal mortgage releases.

42 (4) One dollar (\$1) for each cross-reference of a recorded

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document.

(5) Three dollars (\$3) per page for furnishing typewritten copies of records.

(6) ~~One dollar (\$1) per page not larger than eight and one-half (8 ½) inches by fourteen (14) inches~~ **A fee in an amount established under IC 5-14-3-8** for furnishing copies of records produced by a photographic process. ~~and two dollars (\$2) per page that is larger than eight and one-half (8 ½) inches by fourteen (14) inches.~~

(7) ~~Five dollars (\$5)~~ **The fee established under IC 5-14-3-8** for acknowledging or certifying to a document plus fifty cents (\$0.50) per page for proofreading any copy presented for certification.

(8) One dollar (\$1) for each deed the recorder records, in addition to other fees for deeds, for the county surveyor's corner perpetuation fund for use as provided in IC 32-1-1-10 or IC 36-2-12-11(e).

(9) A fee in an amount authorized under IC 5-14-3-8 for transmitting a copy of a document by facsimile machine.

(10) A fee in an amount **established under IC 5-14-3-8** ~~authorized by an ordinance adopted by the county legislative body~~ for duplicating a computer tape, a computer disk, an optical disk, microfilm, or similar media. ~~This fee may not cover making a handwritten copy or a photocopy or using xerography or a duplicating machine.~~

(11) A supplemental fee **of three dollars (\$3)** for recording a document ~~in an amount authorized by an ordinance adopted by the county legislative body that~~

~~(A) is paid at the time of recording. and~~

~~(B) does not exceed three dollars (\$3) for recording a single document.~~

The fee under this subdivision is in addition to other fees provided by law for recording a document.

(c) The county treasurer shall establish a recorder's records perpetuation fund. All revenue received under subsection (b)(5), (b)(6), (b)(9), (b)(10), and (b)(11) shall be deposited in this fund. The county recorder may use any money in this fund without appropriation for the preservation of records and the improvement of record keeping systems and equipment.

(d) As used in this section, "record" or "recording" includes the functions of recording, filing, and filing for record.

(e) The county recorder shall post the fees set forth in subsection (b) in a prominent place within the county recorder's office where the fee

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1 schedule will be readily accessible to the public.

2 (f) The county recorder may not tax or collect any fee for:

3 (1) recording an official bond of a public officer, a deputy, an
4 appointee, or an employee; or

5 (2) performing any service under any of the following:

6 (A) IC 6-1.1-22-2(c).

7 (B) IC 8-23-7.

8 (C) IC 8-23-23.

9 (D) IC 10-5-4-3.

10 (E) IC 10-5-7-1(a).

11 (F) IC 12-14-13.

12 (G) IC 12-14-16.

13 (g) The state and its agencies and instrumentalities are required to
14 pay the recording fees and charges that this section prescribes.

15 SECTION 8. IC 36-4-3-19 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 19. (a) If disannexation
17 is ordered under this chapter by the works board of a municipality and
18 no appeal is taken, the clerk of the municipality shall, without
19 compensation and not later than ten (10) days after the order is made,
20 make and certify a complete transcript of the disannexation
21 proceedings to the auditor of each county in which the disannexed lots
22 or lands lie and to the state certifying official designated under
23 IC 3-6-4.2-11 The county auditor shall list those lots or lands
24 appropriately for taxation. The proceedings of the works board shall not
25 be certified to the county auditor if an appeal to the circuit court has
26 been taken.

27 (b) In all proceedings begun in or appealed to the circuit court, if
28 vacation or disannexation is ordered, the clerk of the court shall
29 immediately after the judgment of the court, or after a decision on
30 appeal to the supreme court or court of appeals if the judgment on
31 appeal is not reversed, certify the judgment of the circuit court, as
32 affirmed or modified, to:

33 (1) the auditor of each county in which the lands or lots affected
34 lie, on receipt of one dollar (\$1) for the making and certifying of
35 the transcript from the petitioners for the disannexation;

36 (2) the state certifying official designated under IC 3-6-4.2-11;
37 and

38 (3) the circuit court clerk, and if a board of registration exists, the
39 board of each county in which the lands or lots affected are
40 located.

41 (c) The county auditor shall forward a list of lots or lands
42 disannexed under this section to the following:



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- (1) The county highway department.
- (2) The county surveyor.
- (3) Each plan commission, if any, that lost or gained jurisdiction over the disannexed territory.
- (4) Any state agency that has requested copies of disannexations filed with the county auditor under this section.

The county auditor may require the clerk of the municipality to furnish an adequate number of copies of the list of disannexed lots or lands or may charge the clerk a fee **established under IC 5-14-3-8** for photoreproduction of the list.

(d) A disannexation described by this section takes effect upon the filing of the order with the circuit court clerk and the state certifying official.

(e) A disannexation order under this chapter may not take effect during the year preceding a year in which a federal decennial census is conducted. A disannexation order that would otherwise take effect during the year preceding a year in which a federal decennial census is conducted takes effect January 2 of the year in which a federal decennial census is conducted.

SECTION 9. IC 36-4-3-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 22. (a) The clerk of the municipality shall:

(1) file each annexation ordinance against which a remonstrance or appeal has not been filed during the period permitted under this chapter or the certified copy of a judgment ordering an annexation to take place with:

(A) the county auditor of each county in which the annexed territory is located;

(B) the circuit court clerk, and if a board of registration exists, the board of each county in which the annexed territory is located; and

(C) the state certifying official designated under IC 3-6-4.2-11; and

(2) record each annexation ordinance adopted under this chapter in the office of the county recorder of each county in which the annexed territory is located.

(b) The copy must be filed and recorded no later than ninety (90) days after:

(1) the expiration of the period permitted for a remonstrance or appeal; or

(2) the delivery of a certified order under section 15 of this chapter.



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1 (c) Failure to record the annexation ordinance as provided in
2 subsection (a)(2) does not invalidate the ordinance.

3 (d) The county auditor shall forward a copy of any annexation
4 ordinance filed under this section to the following:

5 (1) The county highway department.

6 (2) The county surveyor.

7 (3) Each plan commission, if any, that lost or gained jurisdiction
8 over the annexed territory.

9 (4) Any state agency that has requested copies of annexations
10 filed with the county auditor under this section.

11 (e) The county auditor may require the clerk of the municipality to
12 furnish an adequate number of copies of the annexation ordinance or
13 may charge the clerk a fee **established under IC 5-14-3-8** for
14 photoreproduction of the ordinance.

15 (f) The county auditor shall, upon determining that an annexation
16 ordinance has become effective under this chapter, indicate the
17 annexation upon the property taxation records maintained in the office
18 of the auditor.

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